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ATLANTA CHIROPRACTORS INDICTED FOR HEALTH CARE FRAUD

WellnessOne Allegedly Billed Insurers Over \$11 Million for Fraudulent Services

Atlanta, GA - ANDREW L. SOKOL, 41, and JULIE B. WEISBERG, 35, both of Marietta, Georgia, were arraigned today on felony charges of fraudulently submitting millions of dollars of insurance claims to Blue Cross Blue Shield and other private insurers for physical therapy services that were not actually provided.

Acting United States Attorney Sally Quillian Yates said, "These defendants allegedly billed Blue Cross Blue Shield and other private insurers over \$11 million for physical therapy services they did not provide, when in fact they were providing massages, personal training, and chiropractic adjustments to their patients. Health care fraud ultimately affects everyone, in higher premiums and higher service costs, and we will vigorously prosecute those who abuse the system."

Atlanta FBI Special Agent in Charge Gregory Jones said of the case, "Health care providers who abuse their positions by filing fraudulent insurance claims for personal financial gain are a very real problem to the health care industry itself. Loss amounts in these criminal fraud cases often demonstrate a level of greed that is hard to comprehend. The FBI will continue to work with its law enforcement partners as well as industry experts in combating health care fraud."

"IRS Criminal Investigation continues to be actively involved in deterring Health Care Fraud, in conjunction with the Law Enforcement," said Reginael D. McDaniel, Special Agent in Charge. "CI's role is to follow the money trail from the initial criminal act to the perpetrator who received the financial benefit."

According to Acting United States Attorney Yates, the charges and other information presented in court, SOKOL is a licensed chiropractor who owned and operated "WellnessOne" chiropractic clinics in Marietta, Buckhead, Duluth, Vinings, and other locations in metro Atlanta. WEISBERG is also a licensed chiropractor, married to SOKOL, and was a partner in WellnessOne of Marietta, the most profitable of the clinics.

WellnessOne allegedly offered massage, personal training, and chiropractic services to its patients, but the indictment alleges these services were fraudulently billed to insurance companies as physical therapy. SOKOL and WEISBERG allegedly targeted MBNA and Bank of America employees because the Blue Cross Blue Shield policies covering those employees provided generous chiropractic and physical therapy insurance benefits. To attract these “patients” to WellnessOne clinics, SOKOL and WEISBERG designed and implemented frequent promotions, giving bank employees who came in for a massage or chiropractic adjustment gifts cards in the amount of \$50, \$25, or \$10, and restaurant and free gasoline cards; raffle tickets offering the chance to win BMW and Hummer leases or \$5,000; frozen turkeys and pies at Thanksgiving and Christmas; gift bags containing supplements, vitamins, lumbar and cervical pillows, and weight loss patches; and free catered lunches in the clinics. SOKOL and WEISBERG also waived these patients’ co-payments and deductibles, resulting in the patients being compensated – with gift cards and other items of value – while paying nothing for the massages and chiropractic adjustments they received at WellnessOne.

From January 2005 through September 2007, SOKOL and WEISBERG allegedly employed licensed medical doctors and physical therapists in order to bill massage as physical therapy, even though these licensed providers never saw the majority of patients and massage therapists were actually giving the massages. Several medical providers quit when they realized WellnessOne was billing insurers under their names for services they did not perform. In addition to using false provider names and billing codes, SOKOL allegedly directed that services be billed on different days and under different tax identification numbers to conceal the fraud from insurers.

Beginning in 2006, SOKOL and WEISBERG allegedly permitted patients to visit a local gym in the Atlanta area and then fraudulently billed those gym visits to insurers as physical therapy. When that arrangement ended, SOKOL allegedly had small gyms built in the WellnessOne clinics and fraudulently billed personal training sessions to insurers as physical therapy.

The indictment also alleges SOKOL and WEISBERG set quotas for employees and pressured the medical doctors on staff to order unnecessary tests and procedures, so that insurers could be billed more. SOKOL and WEISBERG allegedly had receptionists ask patients to sit in “wobble chairs” and lay on “hydro beds” for a few minutes before their massages and chiropractic adjustments, so that insurers could also be billed for these “therapies,” and had them automatically fit patients for two sets of shoe orthotics that were billed to insurers. The indictment alleges that as a result of the conspiracy and scheme to defraud, the defendants caused the submission of over \$11 million in fraudulent insurance claims for physical therapy procedures to Blue Cross Blue Shield and other private insurers.

SOKOL and WEISBERG were indicted by a federal grand jury on October 6, 2009. The indictment charges SOKOL with one count of conspiracy, 53 counts of health care fraud, 3 counts of mail fraud, and 5 counts of money laundering. The indictment charges WEISBERG with one count of conspiracy, 24 counts of health care fraud, and 3 counts of mail fraud. The indictment also includes a forfeiture provision.

The conspiracy charge carries a maximum sentence of 10 years in prison, the health care fraud counts each carry a maximum of 10 years in prison, the mail fraud counts each carry a maximum of 20 years in prison, and the money laundering counts each carry a maximum of 10 years in prison. Each conspiracy, health care fraud, and mail fraud count carries a maximum fine of up to \$250,000. Each money laundering count carries a maximum fine of up to \$250,000 or, in the alternative, a fine of up to twice the amount of criminally derived property involved in the transaction. A forfeiture provision in the indictment seeks any and all ill-gotten gains from the alleged scheme, including a personal property at 3306 Hadleigh Court, in Marietta, Georgia.

Members of the public are reminded that the indictment only contains charges. The defendants are presumed innocent of the charges and it will be the government's burden to prove the defendants' guilt beyond a reasonable doubt at trial.

This case is being investigated by Special Agents of the Federal Bureau of Investigation and the Internal Revenue Service, Criminal Investigation Division, and Postal Inspectors with the United States Postal Inspection Service.

Assistant United States Attorneys Glenn D. Baker, Stephen H. McClain, and Michael J. Brown are prosecuting the case.

For further information please contact Sally Q. Yates, Acting United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.